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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,790	03/25/2004	Ralph Pittelkow	P7386.9US	2789
30008	7590	01/05/2006	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			KOHNER, MATTHEW J	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,790	PITTELKOW, RALPH	
	Examiner	Art Unit	
	Matthew J. Kohner	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant has amended claim 1 to include the limitations of claim 12 and 13. These features had been indicated allowable in the previous office action. However, in light of new art submitted by the Applicant and the new Examiner's updated search of the prior art, it is realized that the indication of allowable subject matter in the previous office action was in error. Examiner apologizes for the mistake and regrets any inconvenience caused by the error. Due to the new grounds of rejection this action is non-final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 , 6-11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,323,230 to Rising in view of US Patent No. 6,270,070 to Salomon.

Rising discloses a feed device for stacks of paper or plastic material, the feed device comprising:

- at least one transport unit comprising:
 - a supporting member for the stack (bottom plate of carriage assembly 17) and
 - at least one transport element (34);

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- a separating unit comprising:

- at least one rotatably driven feed drum (19);

wherein the at least one transport unit transports the stack to the separating unit;

wherein the at least one transport unit is pretensioned in a transport direction toward the at least one feed drum such that the stack rests with pretension against the feed drum (col. 4, lines 14 et. seq.);

at least one sensor (101) wherein the at least one transport element is coupled to the at least one sensor that provides a switching signal for driving the at least one transport element (col. 3, lines 55 et seq.).

Rising does not disclose that the at least one sensor is a light-barrier. Instead he uses a pressure sensor (16). However it is well know in the art that other sensors such as light sensors, mechanical sensors, etc. can be used instead and still perform the same function of controlling the drive motor to ensure the bill are correctly aligned (see e.g. US Patent Nos. 5,100,022 to Fukudome; 5,957,448 to Frank et al.; 6,461,102 to Sting et al.). Even Rising himself discloses the equivalence of these types of sensors (see col. 4, lines 23-25). Therefore, it would be obvious to one of ordinary skill in the art to use a light sensor in place of the pressure sensor in Rising's device, since exchanging art recognized equivalents is within the level of one of ordinary skill in the art.

In regard to claim 2, Rising discloses a spring 40.

In regard to claim 3, Rising discloses an axle (52) and a bearing (col. 4, lines 14 et seq.).

In regard to claim 4, Rising discloses an abutment (56).

In regard to claim 6, Rising discloses top half of carriage (17).

In regard to claim 7, Rising discloses bushing (62).

In regard to claim 8, Rising discloses pressure plate (18)

In regard to claim 9, see Fig. 4.

In regard to claim 10, Rising discloses a belt (34)

In regard to claim 11, see Fig. 4.

In regard to claims 14-15, see Fig. 6.

In regard to claim 16, see Fig. 4.

Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Rising in view of Salomon in further in view of Japanese Patent No. 02018229 A to Nanshin et al.

In regard to claim 5, Rising does not disclose the spring surrounding the axle. However, it is known in the art that the shaft of the axle can be surrounded by the spring (See Nanshin Fig. 2). Further, positioning of the spring in a different location would be an obvious variation to one of ordinary skill in the art. There is no criticality recited in the position of the spring and the disclosed invention appears to work equivalently.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939.

The examiner can normally be reached on Mon-Fri 9-5:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J. Kohner
Examiner
Art Unit 3653

mjk


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600